THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 27729 of 1996

DATED: 17.02.2006

Between:

Gulam Mohiuddin and others.

... PETITIONERS

AND

Union of India and others.

... RESPONDENTS

ORDER:

The petitioners are the employees of four Industrial Trading Institutions (ITIs) functioning at various places, as on 03.10.1996. The Government issued G.O.Ms.No.42, dated 03.10.1996, proposing to transfer the management and administration of Girls ITIs at Kadapa and Mahabubnagar and Boys ITIs at Nagarjuna Sagar Right Bank, Guntur District and Hatnoora, Medak District, to the Andhra Pradesh Social Welfare Educational Institution Society (for short 'the Society). The petitioners challenge the same, on the ground that their service conditions would be adversely effected, in case, the ITIs referred to above, are transferred along with the employees.

Heard the learned counsel for the petitioners and the learned Government Pleader for Technical Education.

While admitting the Writ Petition, this Court ordered maintenance of *status quo*. Subsequently, some more interim orders came to be passed.

It is always open to the Government, either to establish, transfer or close the institutions of various categories, depending upon the attendant circumstances. Through the impugned G.O., the Government intended to transfer the four ITIs, referred to above, to the Society, for proper management and administration. If the petitioners are not inclined to work under the Society, they can be retained in the Government Service and posted to the needy institutions. This Court does not find any basis to interfere with the impugned G.O. The convenience of employees is not the sole criterion, in deciding the pattern of administration and management of the institutions. The interests of the petitioners can be protected by issuing suitable directions.

Hence, the Writ Petition is disposed of, directing that it shall be open to transfer the ITIs referred to above, if they have already not been transferred. In case, the ITIs are already transferred, such of the petitioners, who are still in service, shall be given an option either to remain in Government service or to become the employees of the Society. Posting of the petitioners would depend upon the nature of option exercised by them. There shall be no order as to costs.

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17.02.2006

Note: Issue C.C. in three days.

(B/o)

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